

**CERTIFICATE OF SERVICE**

I hereby certify that I caused true and correct copies of the foregoing PUBLIC VERSION OF REPLY BRIEF OF AMERICAN COMMUNICATIONS SERVICES, INC. to be delivered on this 13th day of June, 1997, by either hand delivery or overnight courier service to the following parties:

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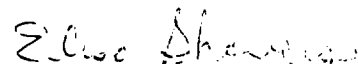
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**Elisa Shavers**

**EXHIBIT 1**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
AMERICAN COMMUNICATIONS SERVICES, INC. )  
Complainant )  
 ) File No. E-97-09  
v. )  
 )  
BELLSOUTH TELECOMMUNICATIONS, INC. )  
Defendant )

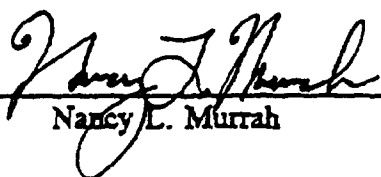
DECLARATION  
OF NANCY L. MURRAH

I, Nancy L. Murrah, declare under penalty of perjury that the following is true  
and correct:

1. I currently am employed by American Communications Services, Inc.  
("ACSI") as Director, Provisioning Systems. I am making this Declaration in support of  
ACSI's Reply Brief in the matter of American Communications Services, Inc. v. BellSouth  
Telecommunications, Inc., FCC File No. E-97-09. The purpose of this declaration is to  
respond to factual assertions made by BellSouth Telecommunications, Inc. ("BellSouth") in  
its Initial Brief.

2. I have reviewed the chart attached as Appendix 2 to ACSI's Reply  
Brief. To the best of my knowledge and belief, the facts described in the "ACSI Response"

column in that chart are true and correct. I make this declaration based upon my personal knowledge, the business records of ACSI, and the knowledge of individuals working under my supervision and control.

Signed:   
Nancy L. Murrah

Dated: 6/2/97

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
AMERICAN COMMUNICATIONS SERVICES, INC.)	)	
Complainant	)	
	)	File No. E-97-09
v.	)	
	)	
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
Defendant	)	

DECLARATION  
OF NANCY L. MURRAH

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1. I currently am employed by American Communications Services, Inc. ("ACSI") as Director, Provisioning Systems. I am making this Declaration in support of ACSI's Reply Brief in the matter of American Communications Services, Inc. v. BellSouth Telecommunications, Inc., FCC File No. E-97-09. The purpose of this declaration is to respond to factual assertions made by BellSouth Telecommunications, Inc. ("BellSouth") in its Initial Brief.

2. I have reviewed the chart attached as Appendix 2 to ACSI's Reply Brief. To the best of my knowledge and belief, the facts described in the "ACSI Response"

column in that chart are true and correct. I make this declaration based upon my personal knowledge, the business records of ACSI, and the knowledge of individuals working under my supervision and control.

Signed: Nancy L. Murrah  
Nancy L. Murrah

Dated: 6/2/97

BELLSOUTH CLAIM	ACSI RESPONSE
<b>Actions During the Implementation of the Agreement</b>	
<p>The parties had not established expedite and escalation procedures pursuant to the Agreement. p. 8.</p>	<p>Both topics were discussed during the implementation meetings described in ACSI's Initial Brief (at 8-10). ACSI was given a chart identifying escalation contacts (ACSI 0708) and was told that "expedited" orders would be handled through the Requested Due Date/FOC process.</p>
<p>ACSI began pre-selling its service before it had experience ordering and receiving unbundled loops from BellSouth. p. 14, 19.</p>	<p>Pre-marketing is a common and accepted practice in telecommunications. Carriers often begin the marketing of services slightly prior to actual introduction of the service in order to generate demand to support the service from its inception.</p>
<p>ACSI offered to port customer lines even though it had no experience providing switched services through unbundled local loops. p. 19.</p>	<p>ACSI reasonably relied upon BellSouth's own representations that unbundled loops and SPNP could be provided in accordance with the Interconnection Agreement's standards. As a new entrant, ACSI had to assume that BellSouth could provide unbundled loops to it and that it would coordinate SPNP orders to be implemented coincident with loop installations.</p>
<p>ACSI decided it had to limit cutovers to two customers per day until "experience levels improve for all participants." p. 17.</p>	<p>ACSI's decision was based upon a desire to ensure that initial implementations were conducted without incident. The limitation was selected based in part on concerns that BellSouth would not be ready to proceed with multiple cutovers on the same day. ACSI intended to rapidly increase the number of cutovers each day as BellSouth's capabilities were proven.</p>

<p>Brenda Williams of ACSI "indicat[ed] that there were work load problems because the ACSI technicians responsible for unbundled loop cutovers were also responsible for working on the switch and other deployment matters." p. 17</p>	<p>Ms. Williams' message did not state that there were any actual work load problems with ACSI's technicians. In fact, the document cited (ACSI 0396) states, "This <i>could be</i> an ongoing issue regarding contention for field ops time . . . ." (emphasis added). The purpose of the message was to identify a potential conflict, and emphasize the need to balance technicians' projects. ACSI successfully balanced its resources to avoid overloading its personnel.</p>
<p>ACSI did not issue an implementation manual for its customer service personnel until December 20, 1996. p. 18.</p>	<p>Although the final manual was not distributed until December, the procedures reflected in that manual were put into place in October. ACSI personnel submitting orders in Columbus, Georgia followed the procedures reflected in the manual.</p>
<p>ACSI Test Orders</p>	
<p>ACSI did not submit its SPNP and unbundled loop orders at the same time. p. 15.</p>	<p>Although the SPNP order form was not faxed at the same time the unbundled loop order clearly and unequivocally requested SPNP along with the initial order (BellSouth 0024). SPNP forms were provided by November 15 (BellSouth 0020).</p>
<p>ACSI failed to give at least 48 hours notice for test orders. p. 15.</p>	<p>ACSI followed expedite procedures as they had been explained during the implementation meetings. If BellSouth could not meet the requested due date, ACSI understood its procedures to require BellSouth to re-negotiate a later due date. Varner Testimony (ACSI Brief at 31-32). BellSouth never requested a due date different than the date requested by ACSI. BellSouth Response to ACSI Interrogatory 16.</p>



ACSI provided the wrong Network Channel Code on this order. p. 15.	BellSouth changed its NC/NCI codes between November 14 and November 19, without notifying ACSI. BellSouth Response to ACSI Interrogatory Nos. 2 and 7.
ACSI misidentified the area code for the two lines to be cut over. p. 16.	This was a clerical error caused by an ACSI employee misreading the area code "706" as "906." When the error was brought to ACSI's attention, it was corrected promptly.
Installation was not completed until November 27. p. 16.	ACSI's records indicate that dial tone and SPNP were established in less than one hour on Friday afternoon, November 22. Renner Dec. at Attachment A; ACSI 0395.
ACSI Unbundled Loop Orders	
ACSI submitted three orders on 11/25, the same day it decided to submit only two orders. p. 17.	BellSouth should have been able to handle three orders in a single day. BellSouth's had projected it needed a capacity to process 10,000 orders per month by this time (approx. 500 per business day). ACSI Brief at 11. In fact, by March 1997, BellSouth personnel were averaging only 3.75 orders processed per day. BellSouth 10014.
On November 26, ACSI's ability to provide E911 service to its customers was "unresolved." p. 17.	Document no. ACSI 0398 discusses a street address issue related to E911 which, according to the document, the "issue was resolved at 4:30 pm." Telephone lines typically remain associated with an ILEC and are not changed in the E911 database until they are cut over to a CLEC.

<p>On November 26, the capabilities of ACSI's technical personnel to finalize the process was "unresolved." p. 17-18.</p>	<p>ACSI's technician on site, David McAdoo, was provided with all the information necessary to complete the installation. The technician confirmed his availability to work the orders. The statement cited by BellSouth refers to acceptance, not processing, of the loop installation. There is no indication the technician lacks the qualifications necessary to complete the order.</p>
<p>On November 26, ACSI's technician could not access ACSI's provisioning system. p. 18.</p>	<p>The document cited affirms that all pertinent information was being faxed to the technician to ensure he was fully prepared. Technicians in ACSI's Columbus office had remote access to Eastland; ACSI is unable to determine whether access had been interrupted during this time or why access was unavailable.</p>
<p>Nancy Murrah instructed ACSI technicians to work the Corporate Center order even though it did not have a FOC on November 26. p. 18.</p>	<p>ACSI had escalated the FOC issue to Ann Andrews at this time. Ms. Murrah instructed ACSI personnel to be prepared in the event BellSouth proceeded with the installation as requested. A verbal FOC was provided by Lynn Smith in response to ACSI's escalation attempt.</p>
<p>Nancy Murrah had not seen a "final trouble management guide" before going ahead with the loop cutovers. p. 18.</p>	<p>Ms. Murrah had reviewed draft trouble management guides prior to this time. The final guide contained only insignificant changes from the draft versions Ms. Murrah had reviewed. Preparation of the trouble management guide was not within her direct responsibility, however, and Ms. Murrah did not need the guide to perform her loop order supervisory activities.</p>